

## REMARKS

Claims 1 – 54 are pending in this application. Claims 1 and 22 were amended. No new matter has been added. Support for the addition to claim 1 is found at page 16, lines 5 – 6. Claim 22 was amended to overcome the rejection under 35 U.S.C. 112. The specification was amended to provide support for claims 14 – 20. The allowability of claims 23 – 54 is acknowledged. In view of the foregoing amendments and following remarks, reconsideration of the application is respectfully requested.

Claims 1, 4 - 6 and 22 were rejected under 35 U.S.C. 102(b) as being anticipated by Martin (4,846,685). It is the Examiner's opinion that Martin '685 shows an endodontic post 10 comprising a rigid endodontic section and an apical tip wherein the endodontic section comprises a shaft and the shaft comprises an opening 18 extending through the shaft. The Examiner states that the opening comprises filling material 28 and the filling material inherently extends out of the opening to some extent through the apical tip when the post is placed in the tooth root. As to claim 4, the Examiner notes that the post includes a supracoronal portion 17. As to claims 5 and 6, the Examiner notes that the opening extends the entire length of the shaft.

Claims 2 and 3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Martin '685 in view of Manocha (5,595,486). The Examiner states that the apical tip section of the post of Martin '685 is not tapered. The Examiner cites Manocha '486 to show an endodontic post comprising a tapered apical tip portion. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to taper the apical tip portion of Martin '685 in view of Manocha '486 so that the tip will fit better in the bottom of the canal.

Claims 7-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Martin '685 in view of Goldberg (4,894,012). The Examiner states that Martin '685 does not set forth the material used to form the shaft. The Examiner cites Goldberg '012 to show fiber or filler reinforced materials. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the shaft of Martin '685 of the materials disclosed by Goldberg '012, in order to improve structural integrity.

Claims 11-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over

Martin '685. The Examiner opines that without a showing of criticality, the specific material used for the filling material is considered to have been an obvious design choice, to one of ordinary skill in the art.

Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Martin '685 in view of Kert (6,010,335). It is the Examiner's opinion that the filling material of Martin '685 does not include the claimed agents. The Examiner states that the filling material of Kert '335 may include an anti-microbiological agent to prevent the risk of inflammation and infection. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the filling material of Martin '685 with an antibiotic, in view of Kert '335, in order to prevent the risk of inflammation and infection. For the reasons set forth below, the rejections are respectfully traversed.

The claimed invention is directed to an endodontic post comprising a rigid endodontic section and an apical tip section; wherein the rigid endodontic section comprises a shaft; wherein the shaft comprises an opening extending through the shaft; wherein the opening in the shaft comprises filling material therein; wherein the filling material is integrally attached to the shaft; and wherein the filling material extends out of the opening to form the apical tip section.

Martin '685 is directed to a perforated dental post system having a bore therethrough for the insertion of cement therethrough after the post has been placed in the patient's mouth. The cement is not part of the original post and is not integrally attached in the post, but is inserted into the post after it is positioned in the patient's mouth. The claims are not anticipated by Martin '685.

Manocha '486, Goldberg '012, and Kert '335 do not cure the deficiencies of Martin '685. None of the references show a post having an integrally formed filling material attached to the shaft of a post. The claims are not rendered obvious by the cited references.

In summary, none of the cited references teach an endodontic post comprising a rigid endodontic section and an apical tip section; wherein the rigid endodontic section comprises a shaft; wherein the shaft comprises an opening extending through the shaft; wherein the opening in the shaft comprises filling material therein; wherein the filling

material is integrally attached to the shaft; and wherein the filling material extends out of the opening to form the apical tip section. The cited references do not show or suggest applicants' claimed invention and notice to this effect is respectfully requested.

Accordingly, it is believed that claims 1 – 54 specify patentable subject matter and are now in condition for allowance. Applicants therefore respectfully request favorable reconsideration and allowance of this application. The Examiner is requested to telephone applicants' attorney at the number listed below if it will advance the prosecution of this case. If necessary, the Examiner is authorized to charge further fees necessary to advance the prosecution in this case from Deposit Account No. 500718.

Date: January 3, 2006

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Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Ann M. Knab', is written over a horizontal line.

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